

REMARKS

The Official Action mailed June 28, 2010, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Two Month Extension of Time*, which extends the shortened statutory period for response to November 28, 2010, which falls on a weekend; hence, the period is further extended to November 29, 2010. Also, filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on September 26, 2006 and May 3, 2007.

Claims 11-16 were pending in the present application prior to the above amendment. Claims 11-16 have been canceled without prejudice or disclaimer and new claims 17-19 have been added to better recite the features of the present invention. Accordingly, claims 17-19 are now pending in the present application, of which claims 17-19 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 6 of the Official Action rejects claim 11 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Paragraph 8 of the Official Action rejects claim 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the above-mentioned cancellation of claim 11, the rejections under § 112 are believed to be moot. Furthermore, as discussed in greater detail below, the Applicant respectfully submits that new claims 17-19 are adequately described and supported in the specification, particularly point out and distinctly claim the subject matter which applicant regards as the invention and are definite.

Paragraphs 9 and 10 of the Official Action objects to claims 11-14 due to alleged informalities. In view of the above-mentioned cancellation of claims 11-14, the objections are believed to be moot.

Paragraph 12 of the Official Action rejects claims 11-16 as obvious based on the combination of WO 99/27745 to Johnson, U.S. Publication No. 2005/0250534 to Maurer and U.S. Publication No. 2005/0080870 to Marks. In view of the above-mentioned cancelation of claims 11-16, the rejection of those claims is believed to be moot. In any event, the Applicant respectfully submits that new claims 17-19 are not obvious under Maurer and Marks.

As stated in MPEP §§ 2142-2144.04, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims. New independent claims 17-19 recite performing follow-up participation in a group call communication being performed among a plurality of numbers belonging to a predetermined group. Follow-up participation to a group call refers to features of the claimed invention enabling a member belonging to the same group to receive a group code being transmitted during a period of silence in order to listen to communication which is already being performed, and if the group code

coincides a code of the member itself, mute is canceled, thereby allowing the contents of the communication to be monitored. For example, new claim 17 recites a step of performing a protocol process based on the group number if it is judged to be valid as a group number; a step of allowing a group call to be received, converting the voice data to a voice signal and canceling a mute to emit sound if the group number is judged to coincide with a group number of a group to which itself belongs, in the protocol process; and a step of not canceling the mute if the group number is judged not to coincide with a group of a group to which itself belongs, in the protocol process. Claims 18 and 19 recite additional limitations directed to this feature. Such features are supported in the specification, at least, by page 20, line 21 to page 21, line 14 (as filed), which states:

The D/A converter 310 converts data supplied through the mute processor 308, into an analog signal and outputs it.

When the control data provided from the frame decomposer 304 shows voice transmission, and further, the group number supplied from the group number validity judgment unit 309 coincides with a group number of any group to which itself belongs, the protocol processor 305 commands the controller 400 so as to enable reception of a group call. Nevertheless, about a mobile telephone terminal 11 which has entered from the time of the group call start, there is no particular processing to be performed. On the other hand, a mobile telephone terminal 11 which was in a weak electric field state at the time of the group call start can also enter into a group call in this phase.

When it is determined to enter into a group call from the beginning or by the follow-up participation, the controller 400 makes an emitted sound from the speaker 311 possible, for example, by turning on an amplifier which is not shown. Thereby, in one call, unless the group number coincides, voice is never outputted from the speaker 311.

The Applicant respectfully submits that Johnson, Maurer and Marks, either alone or in combination, do not teach or suggest the above-referenced features of the present invention and that the claims are not obvious in view of the asserted prior art.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized to charge fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(a), 1.20(b), 1.20(c), and 1.20(d) (except the Issue Fee) which may be required now or hereafter, or credit any overpayment to Deposit Account No. 50-2280.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
3975 Fair Ridge Drive
Suite 20 North
Fairfax, Virginia 22033
(571) 434-6789